

TEXAS DEPARTMENT OF LICENSING AND REGULATION

February 25, 2014

Mr. Russell Schreiber, P.E.
Director of Public Works
City of Wichita Falls
P. O. Box 1431
Wichita Falls TX 76307

Re: Application for a Texas Weather Modification (Rain Enhancement) Permit (No. 14-3)

Dear Mr. Schreiber:

Enclosed is a Texas Weather Modification Permit (No. 14-3) issued by the Department to the City of Wichita Falls. The permit is for rain enhancement activities within defined *operational* and *target* areas in north central Texas south of the Red River. The term of the permit is March 1, 2014 through February 28, 2018.

For the new permit to remain valid, the City must (1) maintain a valid Texas weather-modification license, to be issued annually by TDLR; (2) maintain adequate insurance coverage or be able to provide other sufficient evidence of the ability to respond in damages for liability, and (3) operate in each of the years for which this permit is issued.

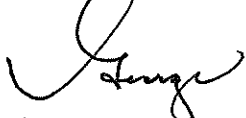
Your Texas weather modification license for fiscal year 2014 will expire on August 31, 2014.

The *Operations Plan*, as previously submitted by the City, becomes a part of this permit. Please note that, by law, you are required to provide TDLR with a copy of any contract(s) by which you receive cloud-seeding services.

The City is required to keep a current roster filed with the Department of all persons involved with the on-site operation of weather-modification activities.

Please let me know if you have any questions about the provisions of the enclosed permit.

Sincerely,



George W. Bomar, M. Sc., State Meteorologist and
Weather Modification Program Specialist
Executive Office

Enclosures (5)

STATE OF TEXAS

TEXAS WEATHER MODIFICATION PERMIT

No. 14-3

The City of Wichita Falls

Wichita Falls, Texas

TERM OF PERMIT: March 1, 2014 through February 28, 2018

Purpose of permitted operations: *Rainfall Augmentation*

ISSUED BY THE
TEXAS DEPARTMENT OF LICENSING AND REGULATION
P.O. BOX 12157
AUSTIN, TEXAS 78711


William H. Kuntz, Jr., Executive Director

WEATHER MODIFICATION PERMIT NO. 14-3

Issued to

CITY OF WICHITA FALLS

1300 7TH Street
Wichita Falls TX 76307

by

The Texas Department of Licensing and Regulation
Austin, Texas

On this, the 25th day of February 2014, the Texas Department of Licensing and Regulation (TDLR) acted upon the application, by the City of Wichita Falls, for a Texas weather modification permit pursuant to 16 TAC, Chapter 79, the Administrative Rules of the Texas Department of Licensing and Regulation.

The purpose of the weather modification operation is to increase rainfall, increase lake levels to improve the drinking water supply, increase soil moisture for agriculture, and reduce the water demands on surface water sources within a specified target area.

After due consideration, the TDLR finds that the statutory requirements for a weather modification permit have been met, and that the weather modification operation, as proposed, will not significantly dissipate the clouds nor prevent their natural course of developing rain in the area where the operation is to be conducted to the material detriment of persons or property in that area. The statutory requirements are: (1) to hold a valid Texas weather modification license, (2) pay the permit fee, (3) publish the Notice of Intention to Conduct Weather Modification Operations in the State of Texas in applicable newspaper(s) and submit proof of publication(s) as required, and (4) provide proof of financial responsibility.

Weather Modification Permit (No. 14-3) is hereby issued to the City of Wichita Falls, subject to the following terms and conditions:

Operator. The authorized operator of the permitted weather modification activity is the City of Wichita Falls, Texas. The City may use its employees, equipment, and resources to carry out this project, or it may contract for necessary services. In the event contract services are secured for

the weather modification activity, the City must provide TDLR with a copy of the contract(s).

Period. The period of this permit begins on March 1, 2014 and extends for four full years, or through February 28, 2018. The permit shall remain valid for so long as the City continues to conduct weather modification activities in successive years.

Insurability. The City is required at all times to maintain adequate insurance coverage, or be able to provide other financial evidence that demonstrates that the program has the ability to respond in damages for liability which might reasonably result from the operation for which the permit has been granted.

License. The City must maintain a valid Texas weather modification license to keep the permit in force. The day-to-day operation of the project must be directed only by the individual, or individuals, on the license and whose credentials have been evaluated and approved by the TDLR. While the permit is valid for a period of four years, the license must be renewed annually, before the onset of the new State fiscal year (September 1).

Operational Area. The weather modification operation is to be carried out in both an *operational area* and a *target area*, to cause the intended effects to occur only in the target area. The ***operational area***, which includes all of the target area described below, consists of the following counties: Archer, Baylor, Clay, Cottle, Dickens, Foard, King, Knox, Motley, Throckmorton, Wichita, Wilbarger, and Young.

Target Area. The area to be affected by the proposed weather modification operation is the *target area*. The ***target area*** is identical to the target area (defined above).

Plan for Weather Modification Operations. The plan for conducting cloud-seeding operations (the *Operations Plan*), prepared by the City and submitted as part of its permit application, is incorporated in this permit.

Suspension Criteria. Because some cloud systems possess potential to generate large, damaging hail, in addition to rainfall in amounts and rates that can translate into damaging flash floods and other pernicious by-products such as damaging winds, cloud seeding is not to be attempted in the immediate area of:

- A thunderstorm cell that has attained *severe* status (as determined by the National Weather Service);
- A developing thunderstorm cell determined, by the project meteorologist, to have a reasonable potential to become imminently *severe*, or otherwise, in a mature, *steady* state, a condition in which seeding might be perceived as inhibiting the storm's natural production of rainfall;
- A thunderstorm cell that poses a threat to aircraft (from severe turbulence, strong wind shear, severe icing conditions, or intense updrafts and downdrafts). The pilot in command has authority to determine under what circumstances seeding operations may, or may not, continue safely.
- A thunderstorm for which the National Weather Service has issued a "Severe Thunderstorm Warning," whether the cell is within *either* the "target" or "operational" area (*buffer*). If seeding is already in progress when a *severe thunderstorm warning* is issued—and large, damaging hail and/or damaging winds are specifically identified as the cause of the warning—the cell (or cells) thought responsible for the warning will be identified by the project meteorologist, and project aircraft will be vectored away from the cell(s). In the event there is uncertainty as to which cell in a thunderstorm complex has warranted the warning, all seeding operations are to cease within the boundaries of the area being warned. Otherwise, seeding of other, nearby cloud complexes may be performed, or continued, even within the same county for which the *severe thunderstorm warning* has been issued.
- A thunderstorm that is observed to be producing a tornado or flash-flooding rains, prompting either a "Tornado Warning" or a "Flash Flood Warning" by the National Weather Service.

Project Personnel. The City shall provide TDLR with a list of the names, addresses, and telephone numbers of all persons involved with the on-site operation of the weather modification activity. This list will be kept current by the City. The City shall file with TDLR any changes to the list of key personnel, within fifteen (15) days of those changes being made. The TDLR staff will be apprised of the current telephone number(s) of radar facilities used in the operation.

Reports. The City shall maintain a record of all weather modification operations conducted, including the dates, times, and locations when and where the equipment was operated. The City shall provide TDLR with a copy of any operational summary (monthly, bi-monthly, or seasonal) which the program produces and disseminates to interested parties in the area. All information on an operation shall be submitted to the Texas Department of Licensing & Regulation before it is released to the public. The reports and records in the custody of the Texas Department of Licensing & Regulation shall be kept open for public inspection.

TDLR shall also be provided a copy of the "Daily Log during Weather Modification Activities" form, used by the National Oceanic and Atmospheric Administration (NOAA), for documentation of weather modification activities in the U. S. A final report of each year's weather modification operation is to be provided to the TDLR. This report should summarize the entire operation, describe pertinent and key weather events, as well as give an evaluation of the effects of cloud seeding achieved during the program.

Records. The City shall keep data on all weather modification events in a form that would allow a complete and accurate reconstruction of each episode. The City shall provide immediate and full access to TDLR, upon request, any and all information regarding the day-to-day operation of the project.

Field Inspections. The City and TDLR staff shall coordinate periodic (no more often than quarterly) field inspections by TDLR staff.

Compliance. Each term, condition, and provision herein contained is requisite to the granting of this permit. Failure on the part of the City to comply with the terms, conditions, and provisions of the permit, including the Operations Plan, will subject this permit to reconsideration by the TDLR and such administrative and judicial proceedings as may be necessary to prevent violations and to obtain compliance, including but not limited to, modification or forfeiture and cancellation of all rights granted herein.

DATE ISSUED: February 25, 2014

TEXAS DEPARTMENT OF LICENSING AND REGULATION